

307: Refusal to Designate and De-designation of Regional LTCOP

- A. The SLTCO may de-designate an entity as a provider agency for cause.
- B. The SLTCO may refuse to designate or may de-designate an entity as a provider agency for failure to meet the requirements of this Manual, including but not limited to the following:
 - 1. failure of the entity to continue to meet the criteria for designation;
 - 2. existence of an unremedied conflict of interest;
 - 3. deliberate failure of the entity to disclose any conflict of interest;
 - 4. violation of LTCOP confidentiality requirements by any person employed by, supervised by, or otherwise acting as an agent of the entity;
 - 5. failure of the entity to provide adequate LTCOP services, including but not limited to, failure to perform enumerated responsibilities, failure to fill a vacant ombudsman position within a reasonable time, failure to submit a Regional LTCOP Annual Services Plan for approval by the SLTCO, or failure to use funds designated for the LTCOP for LTCOP services;
 - 6. failure of the entity to adhere to the provisions of the grant or contract for the provision of ombudsman services;
 - 7. failure of the entity to adhere to applicable federal and state laws, regulations, and this Manual; or
 - 8. failure of the entity to successfully compete in the RFP process as described in this manual.

- C. Where an AAA contracts with a provider agency, the process to de-designate the provider agency shall be as follows:
1. the AAA may recommend an entity for de-designation as a provider agency to the SLTCO and shall provide the SLTCO with information supporting its recommendation;
 2. the SLTCO shall review any recommendations of the AAA in making decisions regarding the de-designation of an entity in the PSA;
 3. the SLTCO shall send notice of the intent to de-designate at a specified date to the AAA and the provider agency. The notice shall include the reasons for de-designation and notice of the Department's appeal procedures;
 4. the SLTCO, in consultation with the AAA, shall insure the continuation of ombudsman services during the de-designation process; and
 5. the AAA shall terminate its contract for LTCOP services with the provider agency upon notice from the SLTCO of the final decision to de-designate the provider agency.
- D. Where a AAA serves as a provider agency, the process to de-designate the provider agency shall be as follows:
1. the SLTCO shall send notice of the intent to de-designate at a specified date to the AAA. The notice shall include the reasons for de-designation and notice of the Department's appeal procedures;
 2. the SLTCO shall insure the continuation of ombudsman services during the de-designation process; and

3. the IDoA shall terminate the portion of the contract between the AAA and the IDoA which provides for ombudsman services.
- E. Where a provider agency contracts directly with the IDoA, the process to de-designate the provider agency shall be as follows:
1. the SLTCO shall send notice of the intent to de-designate at a specified date to the provider agency and the relevant AAA. The notice shall include the reasons for de-designation and notice of the Department's appeal procedures;
 2. the SLTCO shall insure the continuation of ombudsman services during the de-designation process; and
 3. the IDoA shall terminate its contract for LTCOP services with the provider agency.
- F. A provider agency may voluntarily relinquish its designation by providing notice to the SLTCO and to the AAA in the relevant service area. Such notice shall be provided sixty (60) days in advance of the date of the relinquishment of designation.
- G. When a provider agency is in the process of appealing its de-designation or has relinquished designation:
1. the Office, in consultation with the AAA where applicable, shall arrange for the provision of ombudsman services until a new provider agency is designated;
 2. in accord with this Manual, Chapter 800, and SLTCO instructions, the provider agency shall surrender intact to the SLTCO or the SLTCO designee all LTCOP case records, documentation of all LTCOP

activities and complaint processing as required by the ombudsman reporting system, and identification cards of all LTCOs associated with the provider agency;

3. the provider agency shall, at the discretion of the IDoA, surrender any equipment purchased with funds designated for LTCOP services; and
4. the provider agency shall surrender the balance of any advanced state or federal LTCOP monies to the AAA, or to the IDoA, where the AAA serves as the provider agency and those surrendered funds shall be used for LTCOP services in the relevant service area in keeping with federal maintenance of funding efforts in the OAA.